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4 Attorneys for Plaintiff
EDWIN D. MORGAN
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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 EDWIN D. MORGAN,) Case No.C11-00128 EJD
10 Plaintiff,)
11 v.) STIPULATION TO ALLOW FILING
12 COUNTY OF SANTA CLARA,) OF AMENDED COMPLAINT NAMING
DOES 1 to 50,) ALBERTO LOAIZA AS DEFENDANT;
13 Defendants.) ORDER THEREON
14)
15) Jury Trial Demanded

16 1. Whereas this case was filed on December 3, 2010 in Santa Clara County Superior
17 Court and removed to this court on or about January 11, 2011;

18 2. Whereas the complaint alleges the County of Santa Clara officers/deputy sheriffs
19 violated plaintiffs civil rights and battered him by, among other things, using excessive force
20 on his person by slamming his fingers/hand in a holding cell door on August 15, 2010;

21 3. Whereas at the time of the incident plaintiff was not aware of the identity of the
sheriff's deputy/officer involvement in the incident;

22 4. Whereas plaintiff first became aware of Alberto Loaiza's involvement after
23 defendant County of Santa Clara submitted its FRCP Rule 26 disclosures on or about April 1,
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1 2011;

2 5. Whereas no prejudice is suffered by defendants or the new party to this action by
3 amending the complaint to name Alberto Loaiza as a defendant at this time;

4 Therefore the parties stipulate and agree that plaintiff be allowed to amend the
5 complaint to name Alberto Loaiza as an additional defendant in the subject action.

6 IT IS SO STIPULATED:

7 LAW OFFICES OF EDWARD C. CASEY JR.
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9 Dated: April 21, 2011

/S/
10 By: Edward C. Casey Jr.
Attorneys for Plaintiff Edwin Morgan

11 OFFICE OF THE COUNTY COUNSEL
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13 Date: April 21, 2011

/S/
14 By: Mark Bernal, Esq.
15 Attorneys for the defendants County of
Santa Clara

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2 **ORDER ON STIPULATION TO ALLOW FILING OF AMENDED COMPLAINT**
3 **NAMING ALBERTO LOAIZA AS DEFENDANT**

4 This Stipulation of the parties having been read and considered and good cause
5 appearing,

6 IT IS HEREBY ORDERED that plaintiff may amend the complaint to name Alberto
7 Loaiza as a defendant in the subject action. The amended complaint is to be filed on or before
8 June 20, 2011

9 Dated: May 20, 2011



10 Honorable Edward J. Davila
11 Judge of the United States District Court